

**Town of Bethany Beach  
Planning Commission Minutes  
November 21, 2009**

The Bethany Beach Planning Commission held a meeting on Saturday, November 21, 2009 in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Chuck Peterson; Faith Denault; Kathleen Mink; Fulton Loppatto; John Gaughan and Susan Frederick, Building Inspector.

Also Present: Solar Power Industry Representatives: Rachel Marcus of CMI Electric Inc. and William Rawheiser of Wiser Power Systems; Patricia Titus of the Coastal Point; Vice Mayor Carol Olmstead; Councilman Jerry Dorfman; other interested members of the public; Lindsey Shallcross, Administrative Secretary.

The meeting was called to order at 9:00 a.m.

**OPENING OF MEETING**

***Approval of Agenda***

Mr. Loppatto made a motion to approve the agenda. Ms. Denault seconded this motion and it was unanimously approved.

***Discussion/Approval of the Planning Commission Minutes of October 31, 2009***

Ms. Mink made a motion to approve the minutes dated October 31, 2009. The motion was seconded by Ms. Denault and unanimously approved.

***Announcements/Comments/Updates***

**Commercial Design Review Update (Killmer)**

There was no meeting this month so there was no report.

**Comments/Updates Regarding the November Town Council Meeting (Killmer)**

- Mr. Monte Wisbrock was appointed to the Audit Committee to replace Mr. Peterson. Bethany Beach Committee Guidelines limits an individual to serving on no more than three committees. Mr. Peterson resigned his position on the Audit Committee to be able to be a member of the Planning Commission.
- Mr. Killmer announced that a partnership has been established between the Town and the Delaware Center for Inland Bays to provide training and enhanced educational experience at the Nature Center for residents, students and educators.
- The Council voted to limit residential parking permits to two per residence.

- The Town Council performed their annual review of the Town Council's Protocol Manual. A number of changes were proposed by Vice-Mayor Carol Olmsted and were approved by the Town Council. Mr. Killmer expressed his appreciation to Ms. Olmsted for her hard work regarding the recommended updates to the Protocol Manual.

### **Comments, Q&A and Discussion for Planning Commissioner Members (All)**

Ms. Mink asked Ms. Frederick if the Building Department had received any new applications for land partitionings. Ms. Frederick responded that no new applications had been received and that the time required to review any applications for the month of December had expired.

### **PUBLIC COMMENTS/QUESTIONS FOR THE PLANNING COMMISSION**

There were no comments/questions at this time.

### **NEW BUSINESS**

*Consider the Application for a Land Partitioning filed by Richard Deraismes for a property identified as Lots 1 and 3, Block 127, at 101 Ashwood Street, in the R-1 Zoning District*

Mr. Killmer asked Ms. Frederick if the application was advertised in the newspaper and posted at the site and at five separate locations within the Town of Bethany Beach. Ms. Frederick responded that it was. She also added that all property owners within 200 feet of the property were notified by first class mail and no objections had been filed with the Building Department. Additionally, there are no violation(s) of the Town Code regarding this application.

Ms. Frederick testified that currently there is one large lot located on Ashwood Street. The previous house on the property has recently been removed. The lot measures 90 feet by 125 feet (11,250 sq. ft.). Mr. Deraismes is requesting that the lot be subdivided into two separate lots. He is also proposing that both subdivided lots front on Atlantic Avenue instead of Ashwood Street. The two subdivided lots meet all of the zoning requirements for the R-1 Zoning District. The interior lot will be 5000 sq. ft, while the corner lot will be 6,250 square feet.

Mr. Killmer asked why the lots weren't equally divided. Mr. Deraismes responded by saying that the corner lot has different setback requirements then the interior lot; therefore the corner lot was made larger to accommodate those setbacks requirements.

Ms. Mink made a motion to approve the Application for a Land Partitioning for the property identified as Lots 1 and 3, Block 127, at 101 Ashwood Street, in the R-1 Zoning District. Ms. Denault seconded this motion and it was unanimously approved.

Mr. Killmer reminded the members that they each have to sign the plat as required by our Town Code and for recording the changes in Georgetown.

The meeting recessed at 9:13 a.m. in able to wait for the Solar Energy vendors to arrive.

***Roundtable discussion with two vendors of the Solar Energy Community for the purpose of a line- by- line review of a proposed new ordinance regulating the installation and use of Solar Energy in Bethany Beach***

*Discussion of Solar Energy*

The meeting rejoined at 9:55 a.m.

Rachel Marcus of CMI Electric Inc. and William Rawheiser of Wise Power Systems were the solar industry representatives present to join in discussion with the members of the Planning Commission for the purpose of line-by-line review of a proposed new ordinance regulating the installation and use of Solar Energy in Bethany Beach.

Ms. Marcus stated that CMI Electric Inc. has been involved with solar energy for eleven years and Mr. Rawheiser said that Wise Power Systems has been involved for five years.

The representatives expressed the significance of the Planning Commission having this legislation in regards to regulating the installation and use of solar energy in the Town.

The members asked the representatives if there are varieties of colors available for solar energy equipment to be able to closely match the color of existing roofing material? Mr. Rawheiser acknowledged that custom colors are available but this feature is not yet widely available and costs substantially more than the cost of standard colors. With that said, the Committee members decided to remove the matching color requirements from the draft ordinance.

The Committee members addressed their concerns about the safety in the draft legislation to the round table members. Ms. Marcus assured them that a solar array weighs approximately the same as a single layer of shingles. Therefore, the roofs will be able to hold the weight of a retrofit. The Town Code currently limits the number of layers of shingles on a roof to just two layers.

Ms. Marcus and Mr. Rawheiser acknowledged that trained experienced professionals should install solar energy systems. Currently in Delaware there are an inadequate number of trained and licensed professionals in this field, but that is improving with the growing need for trained and licensed professionals.

Ms. Marcus added that the North American Board of Certified Energy Practitioners (NABCEP) is currently the high standard for certification for solar-energy installers, although only four companies in Delaware have this certification at the present time.

The Delaware Green Energy Fund has an alternative standard of certification. This certification offers benefits for property owners that have renewable and green-energy systems installed on the properties.

To be approved by the Delaware Green Energy Fund, installers must meet requirements for liability and other insurance, along with having installed at least three systems. There are currently seventeen installers based in Delaware that are approved by the Green Energy Fund.

The round table members stated that the installers also must be licensed in Bethany Beach. An electrical inspection by the town's electrical contractor is required as well. Ms. Marcus also suggested that an inspection be performed by an individual certified in solar installations.

*Review of the proposal to permit and regulate the use of solar energy systems in the Town of Bethany Beach (Draft C August 2009)*

Mr. Killmer provided the Planning Commission members and the Solar Energy representatives with a third draft of a proposal to permit and regulate the use of solar energy systems in the Town of Bethany Beach.

The group spent the balance of the majority of the meeting performing a line-by-line review of the third draft document. The representatives offered the Committee members suggestions towards improving the draft. Ms. Frederick is also going to develop verbiage for a number of items on the draft.

Mr. Killmer proposed to make the recommended changes to the current document and send the fourth draft to each of the members and the Solar Energy representatives.

**OLD BUSINESS**

There was no old business to discuss.

**SUMMARIZE ACTION ITEMS**

Mr. Killmer made the following summary of items:

- 1.) Add in the solar array definition.
- 2.) Mr. Killmer will research websites for the specifics of shading.
- 3.) Ms. Frederick is going to provide Mr. Killmer with verbiage involving installers, engineering requirements and removal of damaged and/or non-functioning solar equipment on the fourth draft.

Mr. Killmer expressed his appreciation to Rachel Marcus and William Rawheiser for coming to Bethany Beach and sharing their expertise to create an ordinance regulating the installation and use of solar energy systems.

**ADJOURN**

Mr. Peterson made a motion to adjourn. The motion was seconded by Ms. Denault and unanimously approved. The meeting was adjourned at 11:40 a.m.

Respectfully submitted:  
Lindsey Shallcross  
Administrative Secretary